

Application No. 10/598,086
Art Unit: 1773

Amendment under 37 C.F.R. §1.114
Attorney Docket No. 062904

AMENDMENTS TO THE DRAWINGS

Please amend the drawings to add the new sheet containing new Figure 10.

REMARKS

Claims 1-12 and 14-25 are pending in the present application.

Support for the newly added claims may be found in the specification as originally filed, for example, Figures 2-9 (particularly Figures 2(a) and (b), and paragraph [0042].

I. The Objections to the Drawings

The drawings were objected to under 37 C.F.R. §1.83(a).

Applicants respectfully traverse the objection to the drawings. Applicants respectfully hold that a drawing showing an example of a fiber placed crosswise to itself is not required in the present application.

Applicants are required to furnish drawings only where necessary for the understanding of the subject matter to be patented. 35 U.S.C. § 113 and 37 C.F.R. §1.81(a). Applicants respectfully submit that the requested drawing by the Examiner is not necessary for the understanding of the subject matter to be patented. The Examiner has repeatedly failed to provide any reason or analysis as to why a drawing is necessary for the understanding of the subject matter claim 5.

However, to advance prosecution, Applicants have amended the drawings to add new Figure 10, depicting a fiber placed crosswise to itself.

For the above reasons, it is respectfully submitted that Applicants' specification, including the drawings as originally filed, fully comply with 35 U.S.C. §112, 37 C.F.R. §§1.81, 1.83 and 1.84 and it is requested that the objection to the drawings be reconsidered and withdrawn.

II. The Rejection under 35 U.S.C. 112

Claims 1-12, 14-17, 20 and 21 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite.

Applicants have amended the claims for clarity and to more particularly define the term “exposed through” and the location of the exposed terminal part. The exposed part is at the end of a filament and outside the edge of a supporting plate. See, for example, Figures 1, 2(a) and 3-9.

For new claims 22-24, see, for example, Figures 2(a) and 3 and paragraph [0042]. For new claim 25, see Figure 2(b) and paragraph [0042].

For the above reasons, it is respectfully submitted that Applicants’ claims are clear and definite and it is requested that the rejection under 35 U.S.C. §112 be reconsidered and withdrawn.

III. The Art Rejections

Claims 1-2, 4, 6-9, 12-13, 17, 20, and 21 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Durst et al. (DE 4308697); claim 3 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Durst further in view of Mathewson (5236665) and/or Kalthod (5779897); claim 5 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Durst further in view of McNamara (3702658); claim 10 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Durst et al. in view of Wolk (US 6,148,508); claim 11 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Durst et al. (DE 4308697) in view of Frazier et al. (US 7,048,723); claims 14 and 16 were

rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Durst et al. (DE 4308697) in view of Anderson et al. (US 2002/0015952); and claim 15 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Durst et al. (DE 4308697) in view of Kitaguchi et al. (US 6,148,508). Applicants respectfully traverse these rejections.

Durst does not disclose, teach, suggest or provide any reason to make and use a microfluid-system with an end part of at least one hollow filament is outside an outer edge of a supporting plate.

In Durst, the whole of the length of the hollow capillary is comprised within frame part 3 or membrane element 2. See Durst, Figures 3 and 4. That is, in Durst, the terminal end of the tubes goes through the reactor but do not go through the supports.

The terminal end of the tubes of Durst is contained within the frame part 3 or membrane element 2. The terminal end of the tubes of Durst is flush with the edge of the frame part 3 or membrane element 2. See Durst, Figures 3 and 4. The terminal end of the tubes of Durst does not extend “through”, i.e. past the border or edge of the frame part 3 or membrane element 2.

Thus, in Durst, the terminal end of the tubes is not exposed through the supports. Furthermore, there is no reason or motivation to achieve at least this feature of the presently claimed system.

However, in the presently claimed microfluid-system, the presently claimed terminal part of the at least one hollow filament is exposed through the presently claimed first support plate. That is, in the presently claimed system, an end part of the presently claimed hollow filament can go through the reaction and is outside an outer edge of a supporting plate.

At least due to lack of disclosure of the Applicants' claimed end part of the hollow filaments, Durst cannot anticipate or render obvious the presently claimed microfluid-system. Moreover, this deficiency of Durst is not overcome by the disclosure of the secondary references.

In addition, the cited art does not anticipate and/or render obvious the presently claimed exposure window feature of the presently claimed microfluid-system.

As for new claim 25, Durst, alone or in combination with the secondary references do not disclose or render obvious an exposure window formed at an outer edge of the first supporting plate and formed through the second supporting plate, said second adhesive layer and said first adhesive plate.

Applicants respectfully request reconsideration and withdrawal of these rejections.

IV. The Double Patenting Rejection

Claims 1-11 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-6 and 8 of copending Application No. 10/505,416.

Applicants respectfully postpone their response to this rejection until such time that said rejection is no longer provisional.

V. Conclusion

In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the rejection under 35 U.S.C. 102, the rejection under 35 U.S.C. §112 and the rejection under 35 U.S.C. §103 be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

/LEE C. WRIGHT/

Lee C. Wright
Attorney for Applicants
Registration No. 41,441
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

LCW/BKM/af